

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

IN EQUITY NO. C-125
SUBFILE NO. C-125-C

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

v.

WALKER RIVER IRRIGATION
DISTRICT, a corporation, et al.,

O R D E R

Defendants.

Motion of Mineral County to amend judgment (document #45) filed August 22, 1994, is **GRANTED**. The order setting deadlines for service should be modified. The order relative to what must be served requires clarification.

THEREFORE, IT IS HEREBY ORDERED as follows:

1. On or before February 1, 1996, (as to any claimants to the waters of the Walker River not previously served or who have not previously waived service), Mineral County shall make personal

1 service of the following documents on all claimants to the waters
2 of the Walker River:

3 (a) Notice of Motion and Motion for Intervention
4 (document #2); and Proposed Petition to Intervene, with
supporting affidavits and exhibits (document #3).

5 (b) Amended Memorandum of Points and Authorities in
6 support of Mineral County's Amended Complaint in
Intervention (document #21).

7 (c) Amended Complaint in Intervention (document #20).

8 (d) Motion for Preliminary Injunction (document #22)
9 with supporting points and authorities, affidavits, and
10 other supporting documents as filed with the Clerk of the
Court.

11 (e) Notice in lieu of summons properly issued by the
Clerk of the Court.

12 (f) A copy of the within order.

13 2. If Mineral County intends to seek a waiver of
14 service of the above documents, pursuant to the provisions of
15 Fed.R.Civ.P. 4(d), Mineral County shall allow 30 days for return of
16 the waiver of service and shall include with the mailing to persons
17 requested to waive service the documents listed in paragraph 1
18 above of this order, except for the Notice in Lieu of Summons
19 described in paragraph 1(e) above.

20 In addition, the mailing to each such claimant seeking
21 the waiver of service shall also include in addition to the
22 documents to be mailed as listed in the immediately preceding
23 paragraph, a request for waiver of personal service of the
24 documents included in the said mailing and a request for waiver of
25 service of summons generally in accordance with Form 1A to the
26 rules, but modified to include not only a waiver of service of the

1 summons, but also of service of the other documents included in the
2 mailing as required above.

3 In the event Mineral County intends to seek a waiver of
4 service as set forth above, it shall also include with the said
5 documents mailed to a person from whom such waiver is sought a form
6 of waiver as set out in the request described above, generally in
7 accordance with Form 1B to the rules and including waiver of
8 service of summons and the other mailed documents as described
9 above.

10 3. At such time as all service required by this order
11 is complete, Mineral County shall file a statement to that effect.

12 4. The following schedules apply in respect to the said
13 proposed intervention of Mineral County:

14 (a) Responses to Mineral County's Motion for
15 Intervention (document #2), Proposed Petition to Intervene
16 (document #3), and Amended Memorandum (document #21) of points
17 and authorities in support of Mineral County's Amended
18 Complaint In Intervention shall be served not later than April
19 1, 1996.

20 (b) Reply points and authorities in support of Mineral
21 County's Motion for Intervention (document #2), Proposed
22 Petition to Intervene (document #3) and Amended Memorandum
23 (document #21) of points and authorities in support of Mineral
24 County's Amended Complaint In Intervention shall be due not
25 later than June 1, 1996.
26

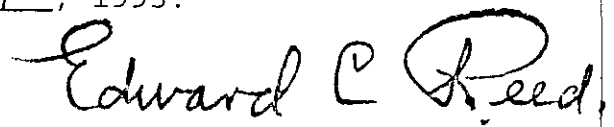
1 (c) No answer or other response to the amended
2 complaint-in-intervention (document #20) will be required
3 until a decision by the Court on Mineral County's Motion for
4 Intervention (document #2) and then only upon a schedule to be
5 established by further order of the Court; and

6 (d) No response to the motion for preliminary injunction
7 (document #22) filed by Mineral County will be required until
8 a decision by the Court on Mineral County's Motion For
9 Intervention and then only upon a schedule to be established
10 by further order of the Court.

11 5. Persons, corporations, institutions, associations or
12 other entities who waive service or are served who do not appear
13 and respond to Mineral County's Motion In Intervention shall
14 nevertheless be deemed to have notice of subsequent orders of the
15 Court with respect to the motion in intervention, answers or other
16 responses to the proposed complaint-in-intervention or responses to
17 the motion for preliminary injunctive relief.

18 6. This order amends (to the extent stated) the prior
19 orders of this Court dated January 3, 1995, (document #1), February
20 9, 1995, (document #19), and August 16, 1995, (document #44) with
21 respect to the requirement for service of proposed intervenor
22 Mineral County's motions, pleadings and supporting documents.

23 DATED: September 29, 1995.

24 
25 United States District Judge
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